

KRISTINE MOUSSEAU, CRR-RPR
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2:40 P.M.

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(In open court.)

THE COURT: You may be seated. This is criminal case number 12-26, United States of America versus Shelby Gene Boswell. We're here for a proposed change of plea.

Counsel, would you note your appearances?

MR. WINTER: Good afternoon, Your Honor. Andrew Winter appearing on behalf of the United States.

THE COURT: Mr. Winter.

MR. MATTOX: Your Honor, Rick Mattox for Mr. Boswell. He is present.

THE COURT: Mr. Mattox.

Mr. Boswell, how are you doing?

THE DEFENDANT: I'm all right.

THE COURT: Pardon?

THE DEFENDANT: I'm all right.

THE COURT: All right. Good. Let's have you come on up to the lectern, if you would. Now, Mr. Boswell I'm informed that you are proposing to change your plea today to a guilty plea in accordance with the terms of a written plea agreement.

That would be a change of plea from the not guilty plea that was entered earlier in this case, is that true?

1 THE DEFENDANT: Correct.

2 THE COURT: And that's what you want to do today?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay. Before I can accept a guilty
5 plea, there are a number of things I need to go through. I
6 need to ask you a number of questions, specifically to make
7 a finding that you're competent to make the decision, that
8 you understand the consequences of a guilty plea, that
9 there are facts admitted to which would support a finding
10 of a criminal conviction and that no one has forced you
11 into this change of plea.

12 Do you understand?

13 THE DEFENDANT: Yes.

14 THE COURT: So I'm going to be asking you
15 questions. Mr. Mattox and Mr. Winter may also ask you
16 questions during this hearing. Therefore, you're going to
17 be a witness for the Court today, so I'm going to place you
18 under oath.

19 Okay?

20 THE DEFENDANT: Yes.

21 THE CLERK: Please raise your right hand.

22 **(Defendant sworn.)**

23 THE DEFENDANT: Yes.

24 THE COURT: So do you understand, Mr. Boswell,
25 that you are now under oath in this proceeding. If you

1 answer any question falsely, you could be prosecuted for
2 that?

3 THE DEFENDANT: Okay.

4 THE COURT: Okay?

5 THE DEFENDANT: Yeah.

6 THE COURT: Now, if there is a question I ask you
7 that you don't fully understand, just tell me. I would be
8 happy to make the question more clear. Since you're under
9 oath, it's important that you understand the question
10 before giving us an answer.

11 And if you would like to speak in private with
12 Mr. Mattox, your lawyer, during this hearing, that's fine.
13 Just step away from the lectern, and you can speak
14 privately with him. Okay?

15 THE DEFENDANT: Yes.

16 THE COURT: Let's start with some preliminary
17 questions. Could you state your full name for the record?

18 THE DEFENDANT: Shelby Gene Boswell.

19 THE COURT: How old are you?

20 THE DEFENDANT: 20.

21 THE COURT: Where were you born?

22 THE DEFENDANT: Minneapolis, Minnesota.

23 THE COURT: Have you lived here your whole life?

24 THE DEFENDANT: In Minnesota, yes.

25 THE COURT: Where else besides Minneapolis?

1 THE DEFENDANT: Fond du Lac and Cloquet.

2 THE COURT: Cloquet?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: How long have you been living in
5 Minneapolis now?

6 THE DEFENDANT: Since '08.

7 THE COURT: How far did you go in school?

8 THE DEFENDANT: About tenth, eleventh grade.

9 THE COURT: So you dropped out during what, your
10 tenth grade year?

11 THE DEFENDANT: Yes.

12 THE COURT: Where were you attending high school
13 at the time?

14 THE DEFENDANT: Four Directions Charter School
15 over on the north side.

16 THE COURT: So you don't have a GED?

17 THE DEFENDANT: No.

18 THE COURT: Where have you -- do you have any
19 problem understanding or reading or writing the English
20 language?

21 THE DEFENDANT: No. I'm good.

22 THE COURT: Okay. Where were you last employed?

23 THE DEFENDANT: Never was employed.

24 THE COURT: Never had a real job?

25 THE DEFENDANT: No.

1 THE COURT: Okay. At any time in your life, have
2 you been treated for mental illness or any form of mental
3 disability?

4 THE DEFENDANT: No.

5 THE COURT: Any depression?

6 THE DEFENDANT: No.

7 THE COURT: Any ADHD or anything like that?

8 THE DEFENDANT: No.

9 THE COURT: Okay. Ever been treated for
10 addiction to drugs or to alcohol?

11 THE DEFENDANT: I been to treatment a couple of
12 times.

13 THE COURT: What kind of treatment and --

14 THE DEFENDANT: Chemical dependency.

15 THE COURT: For drugs or alcohol or both?

16 THE DEFENDANT: Drugs, both.

17 THE COURT: Both? Where did you have treatment?

18 THE DEFENDANT: Mish-ka-wisen Treatment Center up
19 on Fond du Lac Reservation.

20 THE COURT: When was that?

21 THE DEFENDANT: '05, '06 or something.

22 THE COURT: Just once there?

23 THE DEFENDANT: Twice.

24 THE COURT: Twice?

25 THE DEFENDANT: Yeah.

1 THE COURT: Did you successfully complete the
2 programs?

3 THE DEFENDANT: First time I failed. Second time
4 I completed it.

5 THE COURT: All right. How long was the one you
6 completed, how many weeks?

7 THE DEFENDANT: 45 days.

8 THE COURT: 45 days? Okay. Do you have any
9 physical problems that are affecting you in any way?

10 THE DEFENDANT: No.

11 THE COURT: Do you take medication of any kind?

12 THE DEFENDANT: No.

13 THE COURT: In the last 24 hours, have you
14 consumed any alcohol or drugs?

15 THE DEFENDANT: No.

16 THE COURT: Have you taken pills of any kind?

17 THE DEFENDANT: No.

18 THE COURT: Okay. Where are you at right now?

19 THE DEFENDANT: Ramsey County.

20 THE COURT: Where?

21 THE DEFENDANT: Ramsey.

22 THE COURT: Ramsey County? Okay.

23 All right. Any questions on these matters,
24 Counsel?

25 MR. WINTER: Nothing from the government. Thank

1 you.

2 MR. MATTOX: No, Your Honor.

3 THE COURT: Okay. All right. Now, Mr. Boswell,
4 you have received a copy, I believe, of the indictment in
5 this case. It's a written statement of the charges. It
6 has a lot of defendants in it, so it's a big document.

7 Have you read that through?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And you know what you're charged
10 with, correct?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. Have you had enough time to
13 meet with Mr. Mattox to talk about the case and about your
14 response to it?

15 THE DEFENDANT: Yes.

16 THE COURT: Have you been fully satisfied with
17 the assistance that he has provided to you?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. Let's turn to the plea
20 agreement. In it, Mr. Boswell, as I read it through, you
21 are proposing to plead guilty to Count 19 of the
22 indictment. That charges you with assault with a dangerous
23 weapon in aid of racketeering in violation of United States
24 law.

25 And in exchange, the government at sentencing

1 will dismiss the remaining charges, which I believe are
2 Counts 1 and 2.

3 Is that correct?

4 MR. WINTER: Yes, Your Honor.

5 THE COURT: Okay. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. The Court has to make a
8 finding that there are facts admitted to which would
9 support a criminal conviction for this charge in Count 19.
10 I'm going to ask Mr. Winter to ask you questions to
11 establish the facts which would support the conviction.

12 Do you understand what we're doing?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. Go ahead.

15 MR. WINTER: Thank you, Your Honor.

16 Mr. Boswell, you've got the plea agreement in
17 front of you, correct?

18 THE DEFENDANT: Yeah.

19 MR. WINTER: And you've had an opportunity to
20 look at these paragraphs, but number 2 which is called the
21 factual basis, right?

22 THE DEFENDANT: Yes.

23 MR. WINTER: This paragraph is lengthy, and it's
24 actually broken down into smaller paragraphs, A through H
25 or J, something like that, right?

1 THE DEFENDANT: Yeah.

2 MR. WINTER: You've had a chance to read those
3 paragraphs, and you're prepared today to agree that the
4 government could prove those facts if this matter were to
5 proceed to trial, correct?

6 THE DEFENDANT: Yes.

7 MR. WINTER: And specifically, you're stipulating
8 today that the government could prove that you're a member
9 of the Native Mob, right?

10 THE DEFENDANT: Yes.

11 MR. WINTER: And that the Native Mob qualifies as
12 an enterprise under federal law, correct?

13 THE DEFENDANT: Correct.

14 MR. WINTER: And what you're prepared to admit
15 today specifically about your conduct that makes you guilty
16 of Count 19 is an assault that took place in the Duluth
17 area in July of 2010, correct?

18 THE DEFENDANT: Yeah.

19 MR. WINTER: And those facts are found
20 specifically in paragraph E. Okay?

21 So do you remember the events from July 10th of
22 2010?

23 THE DEFENDANT: Yes.

24 MR. WINTER: Is it true that you had some kind of
25 confrontation with a victim who is a member of a rival

1 gang?

2 THE DEFENDANT: Yes.

3 MR. WINTER: And at some point during this
4 confrontation, did you take a baseball bat and strike that
5 individual in the face one or more times?

6 THE DEFENDANT: Correct.

7 MR. WINTER: And you have no reason to dispute
8 that that victim suffered what we would call serious bodily
9 injury, meaning a broken, broken check bone, I believe?

10 THE DEFENDANT: Yes.

11 MR. WINTER: No reason to dispute that, correct?

12 THE DEFENDANT: Correct.

13 MR. WINTER: And also during this incident, you
14 struck two other people with the baseball bat, although you
15 did not injure them as severely as the first victim,
16 correct?

17 THE DEFENDANT: Correct.

18 MR. WINTER: So you're not disputing that there
19 were three victims that you hit with a baseball bat that
20 evening, correct?

21 THE DEFENDANT: Correct.

22 MR. WINTER: And is it also true that this
23 assault was committed in part, in part to demonstrate that
24 you were a member of the Native Mob and to intimidate
25 members of the rival gang?

1 THE DEFENDANT: Yes.

2 MR. WINTER: You may have had a personal beef,
3 but this was part of the motive is that this was also a
4 gang assault, correct?

5 THE DEFENDANT: Yes.

6 MR. WINTER: And further, you admit that
7 following the assault you attended a Native Mob council
8 meeting, correct?

9 THE DEFENDANT: Yes.

10 MR. WINTER: And during this meeting, you
11 actually bragged to the other members of the Native Mob
12 about how you had kicked off this assault and that you were
13 responsible for this assault that you just admitted to,
14 correct?

15 THE DEFENDANT: Correct.

16 MR. WINTER: And so by boasting to the other
17 Native Mob members about this assault, you acknowledge that
18 part of your motivation was to look good in the eyes of
19 your fellow Native Mob members, correct?

20 THE DEFENDANT: Yeah.

21 MR. WINTER: And that helped you maintain your
22 status within the gang, correct?

23 THE DEFENDANT: Yes.

24 MR. WINTER: Now, are you making any claim today
25 that you're somehow innocent of this assault in aid of

1 racketeering?

2 THE DEFENDANT: No.

3 MR. WINTER: Did you commit the assault of your
4 own free will? No one forced you to do that?

5 THE DEFENDANT: Correct.

6 MR. WINTER: Okay. And the last couple questions
7 are about some of the other elements. This took place in
8 the District of Minnesota, correct?

9 THE DEFENDANT: Yes.

10 MR. WINTER: You've already acknowledged that the
11 Native Mob is an enterprise under federal law, correct?

12 THE DEFENDANT: Yeah.

13 MR. WINTER: And do you have any reason to
14 dispute that the Native Mob's activities, which include,
15 for instance, drug trafficking, would affect interstate
16 commerce?

17 THE DEFENDANT: Yes.

18 MR. WINTER: You have no reason to dispute that,
19 correct?

20 THE DEFENDANT: No reason.

21 MR. WINTER: Okay. That's all I have for a
22 factual basis, Your Honor.

23 THE COURT: Anything you would like to add,
24 Mr. Mattox?

25 MR. MATTOX: No, Your Honor.

1 THE COURT: How long have you been a member of
2 the Native Mob in your view?

3 THE DEFENDANT: Couple years.

4 THE COURT: Couple years?

5 THE DEFENDANT: Yeah.

6 THE COURT: So sometime before the July 10th
7 event?

8 THE DEFENDANT: Around there.

9 THE COURT: Was that part of when you became a
10 member?

11 THE DEFENDANT: It was right in the paper about
12 2009, how it says it.

13 THE COURT: Okay. All right. Okay. The Court
14 finds a sufficient factual basis for conviction of this
15 crime.

16 Paragraph 3, Mr. Boswell, is important. It sets
17 forth the maximum penalties that are applicable in this
18 case. 20 years in prison, five years supervised release
19 after prison, \$250,000 fine, \$100 special assessment and
20 restitution.

21 Do you understand that?

22 THE DEFENDANT: Correct.

23 THE COURT: Okay. And supervised release means
24 that after you finish a prison term, you're on supervised
25 release under the supervision of a probation officer, and

1 you have to follow conditions imposed by this Court. If
2 you violate any of the conditions, you can go back to
3 prison for up to the length of the supervised release term,
4 which would make it a longer prison sentence.

5 Do you understand that?

6 THE DEFENDANT: Yeah.

7 THE COURT: Okay. Now, you and the government
8 have negotiated over the sentencing guidelines as to how
9 they should apply to you. The Court ultimately will decide
10 how to apply the guidelines and to what extent to give the
11 guidelines attention for the final sentence.

12 The Court has to go through a number of different
13 statutory sentencing factors, including the guidelines
14 which are advisory, before determining a fair sentence.
15 The recommendation is that the base offense level is 14
16 because the underlying crime here is aggravated assault.

17 There would be a four-level increase because of
18 use of a dangerous weapon and a five-level increase because
19 one or more of the victims sustained a serious bodily
20 injury. Three-level increase due to the number of victims
21 and a three-level downward credit for acceptance of
22 responsibility.

23 The Criminal History Category is believed to be
24 II, but we really won't know that for sure until the
25 probation office does its investigation, but we're looking

1 at, if it is Category II and offense level 23, it's a 51 to
2 63 month guideline range in custody.

3 Do you understand how we reached that?

4 THE DEFENDANT: Yeah.

5 THE COURT: Okay. Now, in this particular kind
6 of a plea agreement, Mr. Boswell, you and the government
7 are agreeing that a 60-month sentence is appropriate, and
8 if the Court ultimately accepts the plea agreement, then
9 the Court agrees to sentence you to 60 months.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you also understand that I will
13 not make a final determination on accepting the plea
14 agreement today. I don't have enough information in front
15 of me to determine whether a 60-month sentence is a
16 reasonable sentence in this case.

17 I will decide whether to accept the plea
18 agreement at sentencing after I hear all the relevant
19 information from the probation office. So because this is
20 under a rule which is under 11(c)(1)(C), if the period of
21 confinement is different than 60 months, both sides can
22 withdraw the plea and go to trial.

23 Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: So there is a risk here. For

1 example, if the Court decides that a 50-month sentence is
2 more appropriate for you, the government may not agree with
3 that and would be able to withdraw from the plea and go to
4 trial with you.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: You would have that right, too, say
8 if the Court decided that a 90-month sentence or something
9 like that would be more appropriate. Do you understand
10 that?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. And you understand that we
13 will not finalize that today. So there will be some level
14 of uncertainty until we get to the sentencing.

15 Okay?

16 THE DEFENDANT: Yeah.

17 THE COURT: Do you understand that?

18 THE DEFENDANT: Yeah.

19 THE COURT: Okay. The fine range is \$10,000 up
20 to \$100,000. You would have to pay a \$100 special
21 assessment, which you are agreeing to pay, and in paragraph
22 15, both sides are waiving their right to appeal the
23 sentence if it is at 60 months.

24 Do you understand that?

25 THE DEFENDANT: Yeah.

1 THE COURT: Okay. Any questions that you have
2 about the plea agreement?

3 THE DEFENDANT: No.

4 THE COURT: Anything else that we should address
5 on the plea agreement, Mr. Mattox?

6 MR. MATTOX: No, Your Honor, other than I would
7 like to lay out the date of his actual custody. He was
8 arrested on July 11th, 2010. He was in continuous state
9 custody until the marshals brought him over to federal
10 custody in January of this year.

11 So he has been in continuous custody since July
12 11th, 2010.

13 THE COURT: 2010?

14 MR. MATTOX: Yes.

15 THE COURT: Okay. So in a state detention
16 facility or --

17 MR. MATTOX: Yes.

18 THE COURT: Was there a trial in state court or
19 not?

20 MR. MATTOX: He was held in Carlton County jail,
21 pled guilty, and then he was transferred to Stillwater when
22 the marshals picked him up from Stillwater.

23 THE COURT: And what was the conviction for?

24 MR. MATTOX: Same underlying offenses we have
25 here, Your Honor.

1 THE COURT: I see. Okay.

2 Mr. Winter?

3 MR. WINTER: I believe it was assault in the
4 third degree, and I believe crime committed for benefit of
5 a gang.

6 THE COURT: I see. So it's really the same
7 incidents?

8 MR. WINTER: Same incidents, and we're in
9 agreement that he will get credit for the time he has been
10 in since July 11th.

11 THE COURT: Good. Okay. The Court would agree
12 with that.

13 Mr. Winter, anything else about the plea
14 agreement we should address?

15 MR. WINTER: No, Your Honor.

16 THE COURT: Okay. So, Mr. Boswell, your position
17 is that you fully understand the plea agreement, correct?

18 THE DEFENDANT: Yeah.

19 THE COURT: Other than what's in writing in this
20 document and what we've talked about here in court, has
21 anyone made any other promises to you in an effort to get
22 you to plead guilty?

23 THE DEFENDANT: No.

24 THE COURT: Anyone try to force you to plead
25 guilty?

1 THE DEFENDANT: No.

2 THE COURT: Are you doing so voluntarily?

3 THE DEFENDANT: Yeah.

4 THE COURT: And so you agree that you're guilty
5 of this offense?

6 THE DEFENDANT: Correct.

7 THE COURT: Okay. Are we relatively certain on
8 the Criminal History II, or are there issues here,
9 Mr. Winter?

10 MR. WINTER: I feel pretty comfortable as
11 criminal history predictions go.

12 THE COURT: Mr. Mattox?

13 MR. MATTOX: I believe so, Your Honor.

14 THE COURT: All right.

15 MR. MATTOX: We had discussions about that as
16 well.

17 THE COURT: It's always a little bit of a -- it's
18 mathematics, so it's sometimes hard to figure that out in
19 advance.

20 I need to go through a series of rights that you
21 have, Mr. Boswell, to go to trial on these issues. You
22 have been charged with three crimes, and you have a right
23 to a trial on those issues, and before I can let you enter
24 a guilty plea, I have to be assured that you know what
25 you're giving up, because these are important rights

1 provided to you by the Constitution and laws of the United
2 States.

3 Okay?

4 THE DEFENDANT: Yeah.

5 THE COURT: They include the right to plead not
6 guilty to all three charges and to continue that plea
7 throughout all proceedings here in court with the
8 assistance of a lawyer that would be provided to you, a
9 lawyer --

10 If you cannot afford to pay for a lawyer, you
11 would have a lawyer for the entire proceedings. Certainly
12 if you wanted to go to trial, that lawyer would be with you
13 as well.

14 You have the right to have your case heard
15 quickly, usually within 70 days of the date of the
16 indictment. Sometimes there are delays that are occasioned
17 by actions that you request the Court to take, and while
18 the Court is deciding that, then the clock stops, but the
19 point is, you don't have to wait long for a trial if you
20 want to go to trial. We will provide an early trial date
21 for you.

22 Now, you have a right to challenge the evidence
23 that the government has and is prepared to use against you
24 during the trial. Usually there are motions to suppress
25 evidence that are brought before trial, and you can also

1 bring motions to have the Court not admit evidence during
2 the trial if you believe it's inadmissible for one reason
3 or another.

4 When you plead guilty, you give up forever your
5 right to challenge the evidence. You can't bring a motion
6 later on and say that the evidence shouldn't have been used
7 against you.

8 You have the right to a trial by a jury, which
9 means that a group of people would be chosen randomly from
10 the people of Minnesota, called into court, and then a jury
11 of twelve, with at least one alternate, would be picked for
12 the trial. And you and Mr. Mattox would participate in
13 helping to select the jury to get a fair and reasonable
14 jury.

15 You have the right to be present during the trial
16 to see and hear the witnesses called by the government, and
17 you have the right to have them questioned by your lawyer
18 in your defense. If there are people that you would like
19 to have testify for you, the Court will allow issuance of
20 subpoenas to compel their testimony and also to compel the
21 production of documents and other things that you would
22 like to use at trial.

23 You also have a right to see the evidence that
24 the government is prepared to use during the trial so you
25 can be prepared to respond to it, and the government must

1 turn over immediately to you evidence that would tend to
2 show that you are not guilty of the crime.

3 You are presumed to be innocent of the charge
4 from start to finish of the proceedings. That presumption
5 means the burden falls entirely on the government to
6 present evidence demonstrating your guilt, and they have to
7 prove that you're guilty beyond a reasonable doubt, which
8 is a very high standard to meet.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: You don't have to prove anything
12 during the trial. You don't have to prove that you're not
13 guilty or innocent. You don't even have to present
14 evidence. If the government presents insufficient evidence
15 on a charge, you can be found not guilty without even
16 responding.

17 That's because the burden is on them and not on
18 you to come forward with evidence. You have a right to
19 choose not to testify during the trial and no one can force
20 you to testify. If you do wish to testify, you may waive
21 your constitutional right not to testify and take the
22 witness stand.

23 The jury after the trial is over will deliberate
24 to determine whether the government has proven its case
25 beyond a reasonable doubt, and in order to find you guilty,

1 they must unanimously agree. All twelve Members of the
2 Jury must agree that you are guilty beyond a reasonable
3 doubt.

4 And if you are convicted following the trial, you
5 have a right to appeal that decision to the Court of
6 Appeals. If you are found not guilty, the case is over.
7 There is no right that the government has to appeal a not
8 guilty verdict.

9 Now, do you understand, Mr. Boswell, that by
10 entering a guilty plea today if the Court accepts that plea
11 or if the Court defers acceptance until sentencing, then
12 there is going to be no trial, and you will have given up
13 your right to a trial as well as the other rights I've just
14 described for you?

15 THE DEFENDANT: Yes.

16 THE COURT: You understand those rights?

17 THE DEFENDANT: Yeah.

18 THE COURT: Okay. I'm going to ask Mr. Boswell
19 to state now on the record how he intends to plead. Before
20 I do that, Mr. Winter, anything else for the record?

21 MR. WINTER: No, Your Honor.

22 THE COURT: How about you, Mr. Mattox?

23 MR. MATTOX: No, Your Honor.

24 THE COURT: Okay. Mr. Boswell, you are charged
25 in Count 19 of the indictment with the crime of assault

1 with a dangerous weapon in aid of racketeering in violation
2 of United States law.

3 How do you now plead to that charge, guilty or
4 not guilty?

5 THE DEFENDANT: Guilty.

6 THE COURT: It's the finding of the Court in the
7 case of United States of America versus Shelby Gene Boswell
8 that the defendant, Mr. Boswell, is fully competent. The
9 Court finds he is capable of entering an informed plea to
10 this charge.

11 Further, the Court finds that Mr. Boswell is
12 aware of the nature of the charge against him, and he is
13 fully aware of the consequences of that plea. The plea of
14 guilty in the Court's view is knowing, and it is voluntary
15 and supported by a sufficient factual basis.

16 Now, the Court will defer accepting the plea in
17 light of the nature of the plea, the binding nature of the
18 plea and defer that decision until sentencing, and at that
19 time will, if it accepts the plea, will adjudge Mr. Boswell
20 to be guilty of the offense.

21 I will refer you to the United States Probation
22 Office, Mr. Boswell, for the completion of a presentence
23 investigation. A probation officer will conduct the
24 investigation. You will be interviewed. Please cooperate.
25 This is very important. You may have Mr. Mattox with you

1 when you are interviewed if you wish.

2 After the investigation is done, there will be a
3 written report drafted. You'll have a chance to review
4 that report with Mr. Mattox. If you have objections, he
5 can raise them with the probation officer. Sometimes these
6 matters can be resolved informally.

7 Anything that cannot be resolved, any objections
8 not resolved, will be taken up by the Court at sentencing
9 and resolved after hearing from both sides. The Court
10 would also make its ultimate determination on the plea
11 agreement at that time.

12 And at sentencing, Mr. Boswell, you have a right
13 to speak, so I will give you that opportunity to say
14 whatever you would like to say before sentencing. Okay?

15 THE DEFENDANT: Okay.

16 THE COURT: Do you have any questions about the
17 process --

18 THE DEFENDANT: No.

19 THE COURT: -- going forward? Any questions?

20 THE DEFENDANT: No.

21 THE COURT: Okay. We have a signed plea
22 agreement?

23 MR. WINTER: We do, Your Honor.

24 THE COURT: Hand that up to Holly. We will have
25 that filed.

1 Okay. Anything else for this matter?

2 MR. WINTER: No, Your Honor.

3 THE COURT: How about you, Mr. Mattox?

4 MR. MATTOX: Nothing, Your Honor.

5 THE COURT: Okay. Very well. Okay. This matter
6 will be continued until the date that is set for
7 sentencing, and the matter will be continued until then,
8 and we are in recess.

9 Thank you.

10 THE CLERK: All rise.

11 * * *

12 I, Kristine Mousseau, certify that the foregoing
13 is a correct transcript from the record of proceedings in
14 the above-entitled matter.

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18 Certified by: s/ Kristine Mousseau, CRR-RPR
19 Kristine Mousseau, CRR-RPR

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